

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE

AIR CARGO SHIPPING SERVICES
ANTITRUST LITIGATION

MDL No. 1775

06-MD-1775 (JG) (VVP)

THIS DOCUMENT RELATES TO:
All Actions

**PLAINTIFFS' NOTICE OF MOTION FOR PRELIMINARY APPROVAL
OF SETTLEMENT WITH DEFENDANTS AIR CANADA AND AC CARGO LP**

PLEASE TAKE NOTICE THAT, upon the Declaration of Robert N. Kaplan in Support of Plaintiffs' Motion for Preliminary Approval of Settlement with Defendants Air Canada and AC Cargo LP (collectively, "Air Canada"), dated February 8, 2012, along with its supporting exhibit, and the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Settlement with Defendants Air Canada and AC Cargo LP, dated February 8, 2012, and all other papers and proceedings, Plaintiffs will move this Court on a date and time to be set by the Court, before the Honorable John Gleeson, United States District Judge, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, pursuant to Rule 23 of the Federal Rules of Civil Procedure, to enter an order:

- i. preliminarily approving the Settlement Agreement between Plaintiffs and Air Canada with an Execution Date of February 7, 2012 (the "Air Canada Settlement Agreement"), on the grounds that its terms are sufficiently fair, reasonable, and adequate for notice to be issued to the settlement class as defined in the Air Canada Settlement Agreement (the "Settlement Class");
- ii. certifying the Settlement Class for purposes of settlement only, pursuant to Federal Rule of Civil Procedure 23(c), and authorizing Plaintiffs to represent the Settlement Class;
- iii. ordering Settlement Class counsel to submit, at a later date, for approval by the Court, the form of notice and the notice plan;

- iv. approving The Garden City Group as administrator of the settlement, and Citibank as escrow agent; and
- v. granting such other and further relief as may be appropriate.

Oral argument on this motion, if any, will be held on a date and time set by the Court.

Dated: February 8, 2012

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